

REMARKS

The allowance of claims 2-8 and 10 is noted with appreciation.

The sole issue remaining in this case is a question of obviousness raised by the rejection of claim 1 under 35 USC § 103 over Sayre in view of Lauer. This rejection is respectfully traversed.

Claim 1 calls for a cork having a printed image on its non-calibrated cylindrical surface, in which the image is polychromatic. This product is neither taught nor suggested by the combination of references.

The Sayre reference relates to a heat shrink capsule for closing flange bottle tops whose openings may, for example, be closed by a cork. The Examiner has drawn attention to the paragraph in column 5 which indicates that if the capsule is transparent, there is an opportunity for placing attractive decorations, designs, logos or the like on the cork surface. There is no teaching or suggestion in this reference of how these decorations, etc., may be placed on the cork surface and that could be accomplished by burning a design into the surface as easily as any other procedure. The Sayre reference is thus deficient in at least two aspects, namely it does not teach or suggest placing anything on the cork surface by printing and secondly, it does not teach or suggest a colored image on the surface, much less a polychromatic image, regardless of how such an image would be applied. The only reference to color in this paragraph concerns the capsule which overlies the cork.

The Lauer reference does not overcome the deficiencies in Sayre. The reference is concerned with a synthetic closure which constitutes a substitute for cork. This synthetic material is indicated to avoid various difficulties encountered with natural cork products. It is also indicated that indicia can be formed on the synthetic

material by, *inter alia*, conventional printing techniques. It is respectfully submitted that this passage, in context, would be understood by those of ordinary skill in the art as referring to an additional advantage of the synthetic material when compared to cork. There is nothing in this reference which teaches or suggests that conventional printing techniques may be used to provide cork with indicia and nor is there anything which teaches or suggest that a colored image, much less a polychromatic image, may be achieved by printing on cork. The combination of Sayre and Lauer, even accomplished with the benefit of impermissible hindsight, could not anticipate the instant claim 1.

It is not even obvious-to-try (which is insufficient under § 103 in any event) printing on cork in light of Lauer in that there is nothing which would motivate one skilled in the art to even attempt a conventional printing process with cork. The surface of the synthetic material in Lauer is relatively hard and non-pliable while the surface of cork is relatively soft and pliable, thereby presenting very different problems to one who might seek to apply something to the surfaces.

It is noted that the Office Action avers that it would be advantageous to print a colorful design to provide a visual appealing appearance of the cork in light of Lauer. However, what Lauer actually states is that the synthetic material can be “manufactured with a visual appearance substantially identical to the visual appearance of a cork stopper” (column 7, lines 34-35), rather than suggesting printing “a colorful design” to provide some visual appearance to the cork. Moreover, printing “a colorful design” to provide a visual appearance of cork on the cork which already has that appearance makes no sense.


Nothing in Sayre or Lauer, whether considered alone or in combination, teaches or suggests that a cork having a polychromic image on its non-calibrated cylindrical surface can be achieved.

In light of the foregoing, it is respectfully submitted that this application is now in condition to be allowed and the issuance of a Notice of Allowance is respectfully solicited.

Patents corresponding to the instant case have already been issued by the European Patent Office, the Eurasian Patent Office and the Bulgarian Patent Office. Prosecution of the instant application has been delayed for at least a year due to the circumstances which occasioned the Petition which was filed, and that delay has interfered with the applicant's efforts to commercialize the invention in this country. The Examiner is therefore requested to telephone the undersigned as soon as it has been decided to allow this case.

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Respectfully submitted,

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